

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CITY OF INDEPENDENCE, MISSOURI,

Respondent,

v.

ELWYN L. CADY, Jr.,

Appellant.

DOCKET NUMBER WD72605

Date: August 9, 2011

Appeal from:
Jackson County Circuit Court
The Honorable Vernon E. Scoville, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, Chief Judge, Presiding, Karen King Mitchell and
Gary D. Witt, Judges

Attorneys:
Elwyn L. Cady, Jr., Appellant Pro Se, Independence, MO, for appellant.
Mitchell E. Langford, Independence, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

CITY OF INDEPENDENCE, MISSOURI

v.

ELWYN L. CADY, Jr.,

Respondent,

Appellant.

WD72605

Jackson County

Before Division Four: Lisa White Hardwick, Chief Judge, Presiding,
Karen King Mitchell and Gary D. Witt, Judges

Elwyn Cady appeals his convictions for three violations of the City Code of Independence. He contends the circuit court erred in admitting testimony and photographs that resulted from a codes compliance officer's warrantless inspection of his property, in violation of his Fourth Amendment rights.

AFFIRMED.

Division Four holds: The compliance officer's testimony and photographs were based on her observations from exterior areas of Mr. Cady's property that were open to public view. Mr. Cady had no reasonable expectation of privacy in those areas and, thus, his Fourth Amendment rights were not violated by the warrantless inspection. The circuit court did not abuse its discretion in admitting the officer's testimony and photographs.

Opinion by: Lisa White Hardwick, Chief Judge

August 9, 2011

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